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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

*Office of Regional Counsel
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June 5, 1996

VIA OVERNIGHT DELIVERY

Mr. Pat Zaephle, Esq.
Pennsylvania Department of
Environmental Protection
One Ararat Boulevard
Harrisburg, PA 17110-9333

Re: AMP. Inc. - Glen Rock Facility

Dear Pat,

As we discussed earlier today, EPA has reviewed Mr. Asuquo Effiong's March 25, 1996 letter written on behalf of the Pennsylvania Department of Environmental Protection (PADEP). This March 1996 letter provides PADEP's conditional concurrence on EPA's proposed notice of intent to delete the above referenced site from the National Priorities List (NPL). The purpose of this letter is to notify PADEP that EPA has no objection to all but one of these conditions and to request clarification regarding this singular condition.

PADEP's concurrence appears to be conditioned upon EPA's acceptance of several requests. As evidenced by the attached draft of the notice of intent, EPA has made the following changes to the proposed notice of intent to delete in response to PADEP's requests:

- 1) language has been added clarifying that PADEP did not review or concur on the remedy selected by the RCRA ROD;
- 2) language has been added clarifying that the remedy selected by the RCRA ROD does not address state requirements that may be applicable or relevant and appropriate; and,
- 3) the following sentence has been incorporated into this proposed notice on page 8: "The Commonwealth of Pennsylvania concurs in the decision to delete the site

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from the NPL, but reserves all of its rights, abilities and authorities to address contamination at the site and to pursue responsible parties regarding this contamination." Similarly, notice of the reservation is provided on page 4 of the proposed notice.

In addition to the above requests, EPA agrees to continue to provide PADEP with copies of any future non-privileged documents which EPA believes are of legal or technical significance to PADEP regarding future remediation of this Site pursuant to RCRA. However, EPA does not agree to provide PADEP with copies of all future documents which may be legally or technically significant to future implementation of the RCRA Corrective Measure Implementation Administrative Consent Order. Agreement to such request would place an undue burden on EPA, Region III. As always please do not hesitate to contact either me or the RCRA Project Coordinator if there is a need for specific site information. As you are aware the RCRA project coordinator overseeing the on-going remediation of this site is Kai H. Shum (215-566-3414).

Lastly, EPA seeks clarification on the following modification to the proposed notice requested by PADEP: "In addition, the Department requests that EPA include the basis for the cleanup levels on page 5 in the Notice and define the term "remedial compliance concentrations" used on that page." Neither the cleanup levels nor the term "remedial compliance concentrations" are included in the proposed notice of intent to delete. However, the cleanup levels and the term "remedial compliance concentrations" are referenced in the final Close-Out Report which EPA provided PADEP for informational purposes. It is EPA's understanding that PADEP does not intend EPA to make changes to the finalized Close-Out Report as a condition of its concurrence on the proposed notice.

If PADEP has any questions regarding the cleanup levels or other technical information provided in this Close-Out Report, PADEP is encouraged to contact Kai H. Shum, RCRA Project Coordinator. Since this proposed notice is not intended as a technical document, at this time EPA does not intend to include additional technical information in this proposed notice. This notice clarifies that additional details on the corrective actions being implemented under RCRA are available in the Superfund Closeout Report issued on December 14, 1995, the Administrative Record for this site deletion and in RCRA Administrative Record for the AMP Record of Decision.

It would be helpful if PADEP would please verify that it does not request changes to the finalized Closeout Report as a condition of its concurrence on this proposed notice. If you have any questions regarding this matter, please contact me at your earliest convenience.

Sincerely,



Kathleen J. Root

Enclosures

cc: Frank Vavra, RPM
Superfund Branch (3HW22)

Kai H. Shum
Sr. Corrective Action Project Manager (3HW80)
PA Operations Branch
Office of RCRA Programs



Pennsylvania Department of Environmental Protection

**One Ararat Boulevard
Harrisburg, Pennsylvania 17110-9333
March 25, 1996**

Southcentral Regional Office

**717-657-4592
FAX 717-540-7492**

**Mr. Frank J. Vavra, Environmental Engineer
US EPA Region III (3HW24)
841 Chestnut Building
Philadelphia, PA 19107-4431**

**Re: AMP Glen Rock Facility
Glen Rock Borough, York County.**

Dear Mr. Vavra:

The Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") has reviewed the proposed Notice of Intent to Delete the AMP Glen Rock site from the National Priorities List ("NPL"). The Department concurs with the decision to delete the site from the NPL, but specifically reserves all of its rights, abilities and authorities to address contamination at the site, and to pursue responsible parties regarding such contamination.

The Department conditions its concurrence upon the following modifications to the Notice of Intent to Delete:

- Please insert a sentence that points out that the remedy chosen by the RCRA Record of Decision (ROD) was not reviewed by the Commonwealth, did not contain State ARARs, and did not address any hazardous substances that are not also hazardous wastes. The Department has not concurred in the remedy chosen by the RCRA ROD.**
- On page 7 of the Notice, please insert the following sentence regarding the Department's role in the decision to delete the site from NPL:**

The Commonwealth of Pennsylvania concurs in the decision to delete the site from the NPL, but reserves all of its rights, abilities and authorities to address contamination at the site and to pursue responsible parties regarding this contamination.

This language is necessary to ensure that this document cannot be read as a covenant not to sue from the Department.

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**National Priorities List for
Uncontrolled Hazardous Waste Sites
Deletion of a Site**

Agency: Environmental Protection Agency

Action: Notice of Intent to Delete Site
From the National Priorities List
And Request for Comments

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the AMP Site, located in Glen Rock, Pennsylvania, from the National Priorities List (NPL) - and requests public comment. The NPL, a list of sites EPA evaluates for priority cleanup of hazardous wastes, is found in Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 C.F.R. Part 300, Appendix B. EPA promulgated the NCP pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. Section 9605.

EPA proposes this deletion under the terms of a policy published in the Federal Register on March 20, 1995 (60 FR 14641). In this policy EPA announced that, consistent with NCP criteria for deletion of sites from the NPL, the Agency would delete sites if corrective action was proceeding pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901. EPA, in consultation with the Commonwealth of Pennsylvania, has determined that this deferral to RCRA authorities is appropriate.

The Deletion Docket is available for inspection at the following locations and times:

- 1) U.S. EPA Region III, Hazardous Waste Management Division, 841 Chestnut Street, Philadelphia Pennsylvania 19107 from 9:00 am to 5:00 pm during Monday through Friday.
- 2) Martin Library, Attention: Ms. Rebecca Shives, Head of Reference, 159 East Market Street, York, PA 17401 from 9:00 am to 5:00 pm during Monday through Thursday and 9:00 am to 5:30 pm on Friday and, on Saturdays during the summer from 9:00 am to 12:00 noon.

Date: Comments may be submitted on or before thirty (30) calendar days from the date of this notification.

Address: Comments may be mailed to Frank Vavra, Remedial Project Manager, Superfund Branch - 3HW22, 841 Chestnut Street, Philadelphia Pennsylvania 19107. For additional information on the site, contact Frank Vavra at U.S. EPA Region III, Hazardous Waste Management Division, 841 Chestnut Street, Philadelphia Pennsylvania 19107.

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I. Introduction

The Environmental Protection Agency (EPA) Region III announces it's intent to delete a site from the NPL, 40 C.F.R. Part 300, and requests comments on this deletion. EPA will accept comments on this site deletion for thirty days after publication of this notice in the Federal Register.

The NPL is a list of sites that EPA evaluates for priority cleanup under CERCLA. Listing of a site on the NPL does not, itself, create, alter or revoke any individual rights or obligations under CERCLA, or any other law. The NPL is designed primarily for information purposes and to assist Agency management. Sites on the NPL may be remediated using the Hazardous Substances Superfund ("Superfund" or "Fund") established by section 9507 of the Internal Revenue Code of 1986. Use of this fund for cleanup of hazardous substances is governed by Section 111 of CERCLA, 42 U.S.C. 9611, and implementing regulations.

As a general matter, deletion of the AMP Site from the NPL will clarify that EPA, Region III's Office of RCRA Programs will have primary responsibility for ensuring that the hazardous wastes released at the site are appropriately remediated. Notwithstanding any future deletion of this site from the NPL, in the event that conditions at this site warrant additional remedial corrective action, this site remains eligible for Fund-financed remedial action. Pursuant to Section 300.425(e)(3) of the NCP, 40 C.F.R. Part 300.425(e)(3): "All releases deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the [Hazard Ranking System] HRS." Therefore, deletion of this, or any other, site from the NPL does not preclude eligibility for subsequent Fund-financed remedial action if future conditions warrant such action.

Section II of this notice summarizes the criteria for deleting sites from the NPL. Section III summarizes the procedural steps EPA takes prior to deleting a site from the NPL. Section IV discusses the AMP Glen Rock Site and explains how the AMP Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. Section 300.425(e) of the NCP, 40 C.F.R. Part 300.425(e), provides that sites may be deleted from the NPL

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where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the appropriate state, whether the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Consistent with Section 300.425(e) of the NCP, 40 C.F.R. Section 300.425(e), EPA proposes deletion of the AMP Site because, as explained further below, no further CERCLA response is appropriate. This determination is based on a new policy that EPA has adopted for implementation of the NPL deletion criteria. This new policy, entitled "The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery Act Facilities", was published on Monday, March 20, 1995 on pages 14641-14645 of the Federal Register. This new policy sets forth the following criteria for deleting RCRA facilities from the NPL:

- 1. If evaluated under EPA's current RCRA/NPL deferral policy, the site would be eligible for deferral from listing on the NPL;
- 2. The CERCLA site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions;
- 3. Response under RCRA is progressing adequately; and,
- 4. Deletion would not disrupt an ongoing CERCLA action.

This policy discusses general application of these criteria.

Under this new policy two types of sites may be eligible for deletion: 1) sites that would be eligible for deferral under current deferral criteria, but were not deferred because the deferral policy at the time of listing was different; and 2) sites that were not eligible for deferral when listed, but now may be eligible because of changed conditions at the site -- for example, they now are in compliance with a corrective action order. For facilities within the second category, the Agency stated it would review the original listing rationale together with current information to ascertain whether conditions at the

site have changed sufficiently to warrant deletion from the NPL.

III. Deletion Procedures

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Prior to deleting a site from the NPL, 40 C.F.R. Section 300.425(e) requires that EPA provide the appropriate state with thirty (30) working days to review the proposed notice of intent to delete. After providing the appropriate state authorities with such review and comment period, EPA must next provide the public with a minimum of thirty (30) calendar days to provide comments to the appropriate EPA Region. Prior to deleting a site from the NPL, EPA must receive concurrence from the appropriate state authorities. Additionally, EPA must respond to each significant comment and any significant new data submitted during the public comment period. A deletion occurs when the Regional Administrator places a notice in the Federal Register. Generally, the NPL will reflect deletion in the final update following deletion. After the notice of final deletion is published, EPA is required to place the final deletion package in a local information repository. As mentioned in Section I (Introduction) of this notice, 40 C.F.R. Part 300.425(e) (3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

With respect to this notice of intent to delete, EPA has provided the Department of the Environment for the Commonwealth of Pennsylvania (PADEP) with a thirty (30) working day period for review and comment. PADEP has provided EPA, Region III with its concurrence on this notice of intent to delete. As part of its concurrence PADEP, PADEP informed EPA, Region III that it reserves all of its rights, abilities and authorities to address contamination at this site and to pursue responsible parties regarding this contamination. Before making the final decision as to whether to delete the AMP Site from the NPL, EPA Region III will accept and evaluate significant comments and any significant new data submitted during the public comment period. In addition to this notice of intent to delete, EPA Region III has published a notice of availability in a major local newspaper and has placed copies of documents supporting this notice in an information repository at or near the AMP Site. After the public comment period has closed, copies of the Responsiveness Summary will be made available to interested parties by the Regional Office. In the event that EPA issues a notice of final deletion for the AMP Site, EPA Region III will place the final deletion package in the local repository.

IV. Basis for Intended Site Deletion

The following site summary provides the EPA's rationale for the intention to delete this site from the NPL.

A. Site Background

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The Site, which is owned and operated by AMP, Incorporated, consists of approximately twenty (20) acres and is located in southern York County in central Pennsylvania, approximately 5 miles north of the Maryland - Pennsylvania border, in the City of Glen Rock. AMP Incorporated's Materials Development Laboratory (MDL) facility is located on the Site. The MDL facility is a combined manufacturing and research operation, which has been active since the late 1950's. The facility consists of two buildings: the Materials Development Lab and Plastics building.

In the early 1980s, workers at the AMP facility complained about the taste of the drinking water. In 1984, AMP discovered that a backup supply well in an adjacent trailer park was contaminated with volatile organic compounds. AMP subsequently installed monitoring wells on the AMP property and had a hydro geological assessment of the extent and concentration of contamination performed.

Results of the 1984 groundwater sampling indicated that VOCs were present in the subsurface soils and groundwater beneath parts of the MDL facility. Total VOC concentrations in the groundwater samples from site wells ranged from 12,191 ppb to non-detectable in several monitoring wells. The two compounds which were found to exist in highest concentrations in the groundwater at the Site were: 1,1,1-trichloroethane (1,1,1-TCA) and 1,1,2-trichloroethane (1,1,2-TCA). Trichloroethylene (TCE), tetrachloroethylene (PCE) and their decay products were detected in lesser amounts in groundwater at the Site.

On or about June 24, 1988, EPA proposed the inclusion of the AMP Glen Rock facility on the NPL. See 53 FR 23988 (June 24, 1988). On or about October 4, 1989, EPA listed the AMP Glen Rock facility on the NPL pursuant to Section 105(a)(8)(b) of CERCLA, 42 U.S.C. § 9605(a)(8)(B). See 54 FR 41015 (October 4, 1989). At that time, AMP was not addressing the contamination at the Site pursuant to RCRA corrective action authorities, and EPA determined that the NPL listing was required to protect human health and the environment.

On January 4, 1989, EPA and AMP entered into an Administrative Consent Order ("RCRA RFI/CMS ACO"), pursuant to Section 3008(h) of RCRA. Under the terms of this Order, AMP completed a RCRA Facility Investigation ("RFI") and a Corrective Measures Study ("CMS"). Subsequent to approving this CMS, EPA prepared a Draft RCRA Record of Decision ("ROD"), which set forth Corrective Measure Alternative #4 (CMA #4) as EPA's preferred corrective measure alternative for this Site. CMA #4 includes pumping and treatment of groundwater, operation of an infiltration trench, and sampling of groundwater and surface water, at the site.

During the week of July 30th - August 3rd, 1990, a public notice soliciting public comment on the Draft RCRA ROD appeared in the York Daily Record and was announced on WSBA radio in York, Pennsylvania on August 14th and 15th. No public comments were

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received by EPA regarding the remedy selection. On January 1991, EPA issued a final ROD¹ for remediation at the site. The Regional Administrator, EPA Region III, made a final determination selecting CMA #4 as the Corrective Measure to be implemented by AMP.

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On January 22, 1991, EPA and AMP entered into an Administrative Consent Order, the "RCRA CMI ACO," requiring the implementation of CMA #4. Corrective action at the Site is currently being performed pursuant to this RCRA CMI ACO. By letter, dated September 10, 1991, EPA conditionally approved the Final CMI Report. The conditions of such approval have been satisfied and, therefore, EPA has approved this Final CMI Report. In accordance with the RCRA CMI ACO, such approval indicated EPA's determination (as of that time) that the constructed project is consistent with the design specifications and that CMA #4 is progressing towards the clean-up goals set forth in the RCRA ROD.

In accordance with the Final CMI Report, eight recovery wells are used on the Site to pump and treat groundwater containing volatile organic compounds (VOCs). The captured groundwater is treated by passing it through two air stripping towers in series. Air emission control devices have been installed on the air stripping towers. The treated water is discharged to a small pond to the southeast of the site known as Larkin Pond. Groundwater samples and one surface water sample are being collected on and off-site on a quarterly basis.

In accordance with Section VI.C. of the RCRA CMI ACO, AMP is required to submit a Draft Corrective Measure Two Year Assessment Report every two years (beginning two years from the effective date of such Consent Order). This report reflects that final ground water remediation goals, as set forth in the RCRA ROD, have not yet been met, but progress towards such goal has been attained. Implementation of the approved CMA will continue as planned until the VOC concentrations in the subsurface are in compliance with the clean-up criteria set forth in the RCRA ROD.

¹ PADEP has informed EPA, Region III that representatives of PADEP did not review, and have not concurred on, the corrective measure alternative selected by this RCRA ROD. Additionally, PADEP has requested that EPA, Region III state that this RCRA ROD did not address statutory or regulatory requirements promulgated by the Commonwealth of Pennsylvania which may be applicable or relevant and appropriate to conditions present at the AMP Site at the time of the ROD's issuance. Neither RCRA statutory provisions nor the regulatory requirements promulgated pursuant to RCRA require that: 1) EPA obtain concurrence from any state representatives prior to issuing a RCRA ROD; or 2) such state promulgated requirements be considered prior to selecting a RCRA corrective measure alternative.

Additional details on the corrective actions being implemented under RCRA are available in the Superfund Closeout Report issued on December 14, 1995, the Administrative Record for this site deletion and in RCRA Administrative Record for the AMP Record of Decision.

B. DOCUMENTATION THAT AMP SITE MEETS RCRA DEFERRAL CRITERIA SET FORTH IN EPA'S MARCH 20, 1995 POLICY

1. If evaluated under EPA's current RCRA/NPL deferral policy, the Site would be eligible for deferral from listing on the NPL.

At the time of the NPL listing, the Site posed a threat to human health and the environment that was not being addressed under either CERCLA or RCRA corrective action authorities. At that time, EPA determined that the most expeditious way to address the contamination at the Site was through the use of CERCLA authorities. Subsequent to that determination, AMP, Inc. entered into the RCRA RFI/CMS ACO. Since that time conditions have changed, and AMP, Inc. has been addressing all of the Site contamination at the Site pursuant to RCRA §3008(h). The Facility is currently in compliance with the RCRA CMI ACO, described above. Consequently, if this Site were evaluated for NPL listing under the current conditions, the Site would be deferred to RCRA.

2. The CERCLA Site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions.

As described above, on January 4, 1989, EPA and AMP entered into a RCRA RFI/CMS ACO, pursuant to Section 3008(h) of RCRA. Under the terms of that Consent Order, AMP was required to complete an on-site and off-site investigation of the nature and extent of a release of hazardous wastes from the Site and to conduct a study to evaluate various cleanup alternatives. AMP subsequently fulfilled the conditions of this Consent Order.

As also described above, on January 22, 1991, EPA and AMP entered into a RCRA CMI ACO, pursuant to Section 3008(h) of RCRA. This RCRA CMI ACO required AMP to implement the selected corrective action remedy, set forth in EPA's ROD as CMA #4. In September 1991, pursuant to the 1991 RCRA CMI ACO, EPA approved the Final Corrective Measures Implementation Report. AMP is continuing to implement the selected remedy, which includes pumping and treatment of groundwater, operation of an infiltration trench, and sampling of groundwater and surface water. This 1991 RCRA CMI ACO will remain in effect until such time when EPA determines that the terms of this order have been satisfied. AMP, Inc. has been in compliance with the RCRA CMI ACO. All known groundwater contamination is being addressed

through EPA's exercise of its corrective action authorities pursuant to RCRA.

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3. Response under RCRA is progressing adequately.

Corrective action is progressing satisfactorily under the RCRA CMI ACO, as described above. There has not been a history of protracted negotiations due to AMP's lack of cooperation. See 60 FR 14642, 14643 (March 20, 1995).

4. Deletion would not disrupt an ongoing CERCLA action.

Other than completing a CERCLA Site Assessment and listing the Site on the NPL, no administrative action has taken place pursuant to CERCLA. Based upon the continued compliance with the RCRA CMI ACO, no CERCLA action is planned for the future.

EPA has received the following concurrence from PADEP: "The Commonwealth of Pennsylvania concurs in the decision to delete the site from the NPL, but reserves all of its rights, abilities and authorities to address contamination at the site and to pursue responsible parties regarding this contamination." EPA concludes that this site meets the criteria under the new NPL deletion policy and announces its intention to delete the site from the NPL.

APPROVED: _____

DISAPPROVED: _____

DATE

W. MICHAEL MCCABE
REGIONAL ADMINISTRATOR

